

ORIGINAL ARTICLE

History of the Care of Displaced Children in Korea

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The present article explores the current nature and history of welfare provision for displaced children in Korea. It examines the early examples of care and the perspectives on the issue from scholars, lawmakers, religion and society as a whole. This provides an understanding of the background and, especially, the cultural roots of existing care. A history of what may be considered the first modern displaced child welfare provision is also given with analysis of how Christian and local approaches and perceptions integrated. This was to form the basis for present-day transitional displaced child welfare in Korea. For this reason, the article examines the provision in a paradigm which looks at the provision as responses to Western influences. Features of congregate care, domestic/international adoptions, foster care and youth-headed households are examined. The authors conclude that global forces will continue to be influential and recommends that religious institutions which have thus far provided crucial contributions to the foundation of care should continue to play key roles with the government's facilitation. The need for wide participation from society and coordination from the government to manage systems, develop strategies and build consensus is highlighted.

Keywords child welfare; displaced children; Korea; United Nations Charter on Rights of the Child
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Introduction

Korea became a signatory to the Convention on the Rights of the Child in November of 1991 two years after the United Nations General Assembly adopted the Convention on 20 November, 1989.¹ As of 2007, 192 countries had signed the Convention. The various rights contained in the Convention are numerous and a complete review is thus beyond the scope of this paper. Thus, the present paper will concern itself with Section 20 of the Convention that applies to the family environment and alternative care in the case where the child cannot live with his or her family of origin.

Korea's approach to the welfare of displaced children remains highly dependent on methods of care dating back to the early influence of the Catholic and Protestant interventions, beginning primarily in the mid-18th century as well as other methods that

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¹United Nations Convention on Rights of the Child can be found at <http://www.bayefsky.com>.

emerged during the post-war disarray such as international adoption. In spite of Korea's remarkable economic progress and being ranked as the 11th largest economy in the world, it has failed to transfer adequate resources to support the care of children covered by article 20 of the Convention.²

The present paper outlines some of the problems, both past and present, associated with achieving the goals of the Convention as they relate to article 20. It contrasts current measures of care with those of the Chosun Dynasty (1392–1910) in Korea. It appears that the rulers of this Dynasty demonstrated the ability to conceive and implement options for care that were relatively enlightened given their limited resources. Furthermore, the present paper examines the specific continuum of child welfare services that exist for the care of displaced children including international adoption, domestic adoption, institutional care, and youth-headed households, formerly referred to as child-headed households. It is hoped that in presenting such an analysis some vision for the future will emerge.

Adoption and care of displaced children in the Chosun Dynasty (1392–1910)

This historical review focuses on the types of alternative care that were present in traditional Korean society up to the beginning of early modernity. Traditional attitudes toward foster care and adoption are said to be linked to Confucian values. One question that should be examined prior to any discussion on this matter is related to the exact meaning assigned to Confucian values in the Korean context. For, it must be clearly recognized that Confucianism in Korea was an imported ideology and thus its value structure was applied to the set of social patterns present in Korean society at that time. The introduction of Confucianism to Korea thus demonstrates significant differences in comparison to the Taiwanese, Japanese or Chinese model which all evolved after exposure to the same value structure (Deuchler, 1992).

When examining this important historical fact and its causal relationship to the issue of adoption, the postulate often put forward is that the reluctance to care for non-agnatic children is based on the idea that without blood connections a family relationship cannot exist. This view is attributed directly to the influence of the Confucian family value structure. In contrast to this perspective, historical records reveal that in the Chosun Dynasty this was not the case. In fact, in contradiction of this assertion, there are examples of both agnatic and non-agnatic adoption (*suyang*).³ One of the most significant reasons for adoption during this period was based on the moral value held primarily by the ruling class, which was the need to maintain ancestral rites. The ability to solve the problem of not having an heir by adoption was a complicated issue throughout the entire Dynasty. The main reason for this was that those legally entitled to perform such rites shifted over time. This was especially true after the 16th century. The point to be stressed here is that adoptions occurred frequently based on the need for an heir (Peterson, 1996).

²Korea spends 0.2% of its GDP on child welfare, ranking it lowest among OECD members (Bae, 2007).

³We are defining *suyang* or similar Korean terms in accordance with Mark A. Peterson.

More interestingly in terms of this study was that the practice of non-agnatic adoption for the middle classes was less problematic. It concerned itself with other issues beyond that of the performance of ancestral rites. In some instances, the practice of non-agnatic adoption was initiated to provide care for parents in their declining years. Both such motivations, the continuation of family rites and the care of elderly parents, seem to have lost much of their significance in contemporary society. This is related to the declining relative importance of ancestral rites. Also, many Korean families have transitioned to the nuclear form and, therefore, the traditional concept of family care is being rapidly eroded.

The issue of adoption in traditional Korea was, however, only connected in a limited way to the care of displaced children. Orphans and abandoned children were dealt with in different terms. Throughout the Dynasty, abandoned and orphaned children were, along with widows, widowers, and childless persons, considered to be lacking adequate family support and were defined as the “Four Poor” or destitute. Thus, they were given special consideration as they were often in urgent social need. For this reason, legally codified relief, prescriptions on how to proffer care in each situation, royal gifts, and adoption laws, were set forth to deal with such matters. In *The Annals of the Chosun Dynasty* there is frequent mention of gifts of food and clothing to orphans by the kings. As suggested, legal prescriptions also existed. One example, in the early 13th century was a law stating that if there were children without any person to take care of them the local government officer should provide such children with food and accommodation until he or she reached the age of 10 years, upon which they could settle wherever they wished (Kim, 1993).

Throughout the Dynasty such laws changed frequently to contend with the relatively stable number of children in need of alternative care owing to wars, famine, and social unrest. In many ways these catastrophes mirrored the situation following the Korean War in the sense that large numbers of children would have been either orphaned or separated from their immediate and extended family. In order to cope with such upheavals and the resulting impact it had on parentless children, the rulers of the Chosun Dynasty sought private, community-based solutions. The provision of care for displaced children occurred in three ways. One could take a child as his or her own as a *suyang* (foster child) or as a *suyancha* (adoptee), or as a servant or slave (Kim, 1993). Such measures allowed for the privatization of costs related to providing for these children at a time when government revenue was limited. Other provisions for the temporary care of abandoned and lost children that were instituted included the establishment in Seoul of the *Chesaengwon*. This facility was somewhat similar to its modern counterpart, the emergency receiving homes, which are operated by most child welfare authorities today. In that sense, the *Chesaengwon* was also meant to provide provisional care to children.

The Annals of the Chosun Dynasty (2004) made reference to the special care that abandoned or lost children ought to receive. The Great Codex can be found in it and noted that they ought to be reported, and placed in the care of a responsible person, and upon reaching the age of 10 years were obliged to pay all costs by either labor or money.

A similar law reflecting such criteria was enacted in 1436. Given the persistence of the problem of displaced children, by 1670 a treatise was published featuring a detailed description of the problem and dealt directly with issues, such as the social status of adopted children. This was a complicated issue given importance placed on the ritual practice of ancestral rites throughout the Chosun Dynasty. Thus, in 1695, the Law of Adoption and Abandoned Children, or *Ulhae Yugia Suyoung Bop* (Kim, 1993) was passed. A sense of the magnitude of such problems as they pertained to adoptive and abandoned children can be gained from the need to initiate such complicated legal and social care interventions.

However, beyond these sorts of legalistic, policy and humanitarian interventions, we see only the official patterns of response. It would be logical to assume that in remote areas and at lower levels of the social strata unique indigenous systems emerged. Many communities would have evolved their own systems of care for orphans or community care initiatives without any official interventions. This practice is also seen in the reform proposals put forth by a leading Confucian scholar from the 15th century who was attempting to establish a set of rules for village society through the writing of what became known as the community compact. Yi I (Yulgok)⁴ (1536–1584), describes the practice of such care for orphans in the following words:

Fifth, in the case of young orphans, children who are left alone with no one to depend on after death of a member, if the family possesses sufficient resources the compact should select a trustworthy person from among the relatives and entrust that person with the task of managing the properties. If there is no suitable person among the relatives the compact should select a member who is close to the family of the deceased to manage the properties. If the family is destitute and unable to support itself, the members should work together to provide assistance so that the family will not lose the means of survival... As the son of bereaved family grows older an appropriate person should be selected to teach him and a suitable spouse should also be found for him (Lee, 2000).

Many such compacts were written and while they were not fully implemented it provides some insight into how scholars such as Yulgok sought to deal with the moral and ethical dilemmas displaced children presented in traditional society. Also, it should be noted that another aspect of the Chosun Dynasty's care of displaced children was the influence of Buddhist monasteries and their tradition of educating abandoned children to become either monks or nuns. Taking this into consideration, it can be reasonably concluded that the Chosun Dynasty, throughout its 600 years, offered various measures to contend with the problem of displaced children.

The end of the Chosun Dynasty, however, was marked by a significant and chaotic juncture in contemporary Korean history, the occupation and colonization of the peninsula by the Japanese. This event and the havoc it wreaked significantly delayed any ongoing evolution of an indigenous response to the issue of displaced children. It also opened Korea to a host of foreign social-care interventions, which would ultimately become the

⁴Yi I whose pen name was Yulgok was one of the most prominent Confucian scholars.

methods of intervention employed to the present time. Unfortunately, this fact has confounded the realization of a system that draws on the peculiar strengths and possibilities that existed indigenously throughout the Chosun Dynasty. An interesting observation to note regarding the end of the traditional social structure in Korea is that in spite of the fact that almost all features of traditional society (social stratification, slavery) disappeared after the impact of modernization and colonialism for various reasons (ethnic homogeneity, long tradition, persistent nationalism), many of the social values from the Chosun Dynasty survived and served as the ideological background for many modern phenomena.

The above demonstrates that the currently pronounced common belief that the Korean traditional family is based on blood ties and never had space for outsiders is far from the historical situation during the Chosun Dynasty, which was surprisingly more open and benevolent than modern “traditional attitudes”. Below, we will turn our attention to the establishment of the modern child welfare system.

Contemporary history of the alternative care of children in Korea

The foundations of the modern child welfare system in Korea were introduced by Western missionaries. Both the Catholic and Protestant missionaries and their non-profit sector activities in social care exerted a significant influence on the formation and maintenance of systems that, to this date, form the response to the care of displaced children. The Catholics were the first to arrive and made their appearance as early as the 15th century. Yet, their impact was initially stifled by a significant backlash from the ruling elites. In fact, Catholic missionaries in Korea were exposed to severe persecution from the beginning of their arrival (Kim, 2005). Aside from other political reasons, the official edict given for such treatment of the Catholics was their refusal to obey Confucian tradition, specifically the performance of the ancestral rites or (*Chesa*),⁵ a ritual that the Pope at the time defined as a “pagan” practice that was a form of idolatry.

One of the new ideas introduced by these missionaries was the Catholic view of the child. The traditional Confucian view saw children mainly as the continuation of the ancestral line, with their crucial virtue being filial piety (*hyo*)⁶ for their parents. In essence, the child was perceived as a being responsible for fulfilling such traditional obligations and, thus, in absence of this role they were without a place in society. This was in contrast to the Christian view that valued the child as a sacred being and deserving of family or societal attention regardless of lineage. Also, the traditional value placed on hierarchy was in direct conflict with the Western perception of giving greater or equal importance to children, especially in comparison to reverence for elders. Furthermore, early missionaries declared in the Catechism introduced for Korean Catholics that the maltreatment of children, specifically abandoning or preferring sons to daughters, was a sin. In this

⁵It is interesting to note that in contemporary Korea many Christians have abandoned this practice or include biblical readings at the performance of such rituals.

⁶The term pronounced “hyo” literally translates to filial piety.

way, they began to challenge some of the existing values of traditional society with respect to the child. Seeing the needs of children who were disadvantaged because of these views they began, along with their Korean counterparts, to develop a system of care for orphans and other displaced children.

Thus, from as early as 1864, French Catholic missionaries began providing the first social service system for the care for orphans, which included the development of a foster care system by providing paid placements and wet nurses. This system of care was borrowed from and supported by one of the first Catholic child welfare organizations in France, the *Sancta Infantia* (Roh, 2003). With slow-growing tolerance by the 1880s, Christian missionaries began to work publicly. They continued the practice of sponsoring foster care and in 1885 founded the first orphanage with a home for the elderly in Seoul. By 1886, both the Seoul and Taegu orphanages were able to care for 400 children (Roh, 2003). Protestant involvement also aided in shaping the early development of this system as it shared similar ideas in terms of what constituted appropriate intervention in the care for displaced children, albeit for differing reasons.

At present, these religions remain one of the most powerful factors in the conceptualization and operation of the Korean child welfare system. This has presented problems in the past and continues to do so at present. The first problem rests paradoxically with the huge success of Christianity in Korea or, more recently, the Republic of Korea. The current number of Christians is estimated to be more than 26.3% of the population.⁷ It would be logical to conclude that Christian ideological solidarity would naturally extend to the sphere of child welfare and, in particular, to assuming responsibility for displaced children. Yet, the Korean believers were and still are, for the most part, unable to overcome the legacy of Korean family traditions. This is most evident in the rather selective Korean approach to the concept of Christian charity. Although Korean Christian organizations play a significant role in the public sphere of child welfare, through maintenance of child welfare facilities and economic contributions to support broader social service efforts, this has not been mirrored in the realm of the family. This highlights the prominence of the ideological dilemma in confronting the Korean family traditions, which differ from Christian ideology in many instances.

The second problem that emerges from the role of religious organizations is that during the 20th Century they have been one of two crucial influences on the system, the other being international organizations in the post-war period and later their Korean offshoots. This created a dichotomy in the development of the Korean child welfare system. The result has been that while relieving the Korean Government and society of responsibility, it also substantially limited the opportunity for the development of an indigenous response to resolving this dilemma. Within this context of a changing political and social landscape, elements of modern child welfare reform in Korea can be seen. The attention of the present paper will now be devoted to a description and analysis of responses as they have evolved and exist at present.

⁷Pew Charitable Trust, Data from 1995 Korean Census Published online at <http://pewforum.org>.

Congregate care for children in Korea

As previously noted, the origins of congregate care institutions in Korea can be traced to the early interventions by, first, Catholic and, second, Protestant missionaries in Korea. Congregate care facilities have been maintained as a cornerstone of the care provided for displaced children especially since the post-war period. By 1969, their number peaked at 542 institutions caring for 60 540 (Son, 1995) children. Even though the number of institutions has greatly decreased to 285 institutions caring for 18 185 children⁸ these facilities still remain the largest part of the system.

The present state of the child welfare facilities in Korea can be labeled as transitional with several forces shaping the impetus and direction for change. The first factor seems to be based on an effort to eradicate the chronic problems with which these facilities have continuously contended. These include under-financing, poor management, and lack of specialist knowledge to meet the needs of children in their care. This issue can be seen in the lack of attention paid to staffing ratios per child, which for newborns and infants was, on average, 7.8:1, and in the case of older children and youth was 13.3:1, which is beyond the official Korean Government regulations of 5:1 and 10:1, respectively (Son, 1995). Another factor shaping current changes is the UN-CRC committee's request⁹ that the Korean Government ensures responsible monitoring and reporting procedures are in place with respect to auditing and governance of private and public congregate care facilities. Independent audits such as the ones conducted in 2000 and 2005 for the central metropolitan area of Kyunggi-do are an example of the beginning of this process and ought to be continued. Certainly, child rights activists, many of whom are actively involved in the Korean NGO sector, have done much to promote positive change. Among them, perhaps the most successful is the Korean Foster Care Association. They have highlighted the needs of children in care while advocating for family-based care which is in keeping with the Convention's underlying principles. As well, this organization has become international and in collaboration with NGOs, such as the International Foster Care Organization, has been able to promote this agenda in a positive manner.

Another important trend has been a move to the right sizing of these facilities by the Korean Government. For the past decade the number of children being cared for has remained constant at approximately 18 000 (Table 1) with many of them living in facilities from 30 to 100 residents.¹⁰ As a result of such influences, in 1997, the government established a pilot program to reduce the number of children residing in the same facility through the establishment of group homes. At present, there are 120¹¹ group homes with a maximum number of seven children residing together. The government has promised to expand such programs including the introduction of better financial and legislative frameworks to ensure a better quality of life for young persons in need of such care. It is

⁸The Korean Ministry of Health and Welfare, 2006. White Paper.

⁹All of Korea's UN-CRC Committee Reports can be found at <http://www.bayefsky.com>.

¹⁰Ministry of Health and Welfare, 2006 Child Welfare Facilities Directory.

¹¹Ministry of Health and Welfare, 2006 White Paper.

Table 1 Congregate care facilities

Year	Classification	Total	Children in care	Vocational training	Medical care	Independent living	Temporary care	Multi-service center	Youth service center	Children's residence only
2003	No. facilities	279	239	5	6	13	10	2	1	3
	No. children	18 818	17 437	158	373	224	437	169	0	0
2004	No. facilities	279	239	4	6	13	11	2	1	3
	No. children	19 014	17 675	130	376	246	432	144	0	0
2005	No. facilities	286	242	4	8	13	13	2	1	3
	No. children	19 151	17 729	110	457	229	457	169	0	0
2006	No. facilities	285	243	3	8	13	13	2	0	3
	No. children	18 187	17 517	75	436	235	391	163	0	0

Ministry of Health and Welfare (2003–2006).

highly likely that the burden of providing better lives to displaced children in Korea will be linked to the ability of government and the community to right size and enhance the quality of care in such facilities.

International adoptions

International adoption has played a key role in the response to meeting the needs of displaced children. To understand the magnitude and persistence of this phenomenon, the fact that this response developed simultaneously with the evolution of modern Korean society must be recognized. This is in spite of the fact that the entire structure of the adoption system has changed. This includes the variables related to the adopted children such as gender, reasons for adoption, racial origin, and the biological parent's income. Nonetheless, there exist some constants which are supporting the persistence of international adoption within Korean society.

The origins of international adoptions follow the Korean War and the subsequent post-war disarray. In the aftermath of war this is a relatively normal strategy and has been utilized by many nations. Further, within the context of this process it is logical that those most affected by the war (i.e. soldiers) would form a natural affinity to the host country's abandoned children. In some cases too, the children were their own. The origins of post-war adoptions followed this case in Korea and included a large percentage of biracial children (Sarri, Baik, & Bombyk, 1998). In the Korean case, however, this initial group of children was replaced by a racially homogeneous group of Korean children that continued to be sent to Western countries including the USA, France and Sweden. The USA was the largest recipient receiving 104 000 children from 1953 to 2004 (Hübinette, 2005; Sarri et al., 1998). The sending organizations included International Social Service, Child Placement Service, Catholic Relief Services and Holt Services. Holt Services remains an active force in the care of disabled and displaced children in Korea to this date (Hübinette, 2005; Sarri et al., 1998). Holt Services has also moved to other countries in Asia including China, Vietnam, and Thailand (Holt Annual Report, 2006). International adoption became a policy by default in a country that was struggling with post-war reconstruction, Cold War politics, an industrializing economy, rural-urban drift and limited financial resources.

In 1961, the government passed an international adoption law to aid in this procedure and appointed four Korean adoption agencies to facilitate this process and they remain active to date. By the seventies, the nation's increasing wealth in contrast to its policy of international adoption as a method to care for displaced children led to criticism both at home and internationally (Hübinette, 2005). This has continued to this day. In response, the Korean Government attempted to develop strategies that reduced the number of international adoptions. Such efforts were first initiated at the time of the military dictatorship of Park Jung Hee. However, these gains were lost in the Chun Doo Whan era. As the 1988 Olympic Games drew near, social activists used the worldwide focus on Korea to draw attention to what activists referred to as the exporting of children. As a result, the government was forced, because of the media frenzy, to confront the issue and

Table 2 Reasons for adoption

Year	Domestic adoption					International adoption				
	Type of occurrence			Conditions of child		Type of occurrence			Conditions of child	
	Single-parent family	Residing in care	Parents deceased	Non-disabled	Disabled	Single-parent family	Poverty	Parents deceased	Non-disabled	Disabled
1996	906	271	52	1212	17	1916	26	138	1145	935
1997	1064	258	90	1400	12	2018	8	31	1273	784
1998	1067	287	72	1420	6	2271	9	163	1526	917
1999	1369	199	158	1712	14	2253	5	151	1584	825
2000	1350	234	102	1668	18	2356	2	2	1726	634
2001	1428	221	121	1756	14	2434	1	1	1693	743
2002	1344	203	147	1678	16	2364	1	–	1538	827
2003	1181	210	173	1544	20	2283	2	2	1638	649
2004	1250	236	155	1634	7	2257	–	1	1553	705
2005	1095	172	194	1434	27	2069	4	28	1364	737
2006	1011	115	206	1320	12	1890	4	5	1186	713

Korean Ministry of Health and Welfare (1996–2006).

promise to work towards ending this process. Yet, at the time of the 1997 economic crisis when adoptions again increased, the Korean Government was reminded of the failings of its systems of care.

The current target for a moratorium on international adoptions has been set for 2015. The government seems to be earnestly engaged in promoting alternatives such as domestic adoption, kinship foster care, and group home care. What remains problematic is the fact that, for the past decade, Korea has allowed the international adoption of 8,478 disabled children (Table 2). This issue is sure to be aggressively challenged when Korea submits its next report to the UN-CRC committee which is due in December of 2008. It will be difficult for the Korean Government to defend its practice concerning disabled children. The UN-CRC committee has already signaled their attention to further examine Korea's progress on defending the rights of disabled children in Korea.

Domestic adoptions in Korea

It would appear logical to conclude that domestic adoptions are both a solution and a natural counterpart to the highly critiqued international adoptions. Yet, when one examines this possible solution, it is clear that there are some peculiarities that make it as equally unique as the international adoption phenomenon. Domestic adoptions, as noted, have existed for various reasons since the Chosun Dynasty. As a contemporary phenomenon, the rate of domestic adoption in comparison to the international rate has been maintained at 41% for the past 8 years (Table 3). To understand this relative

Table 3 Domestic and international adoption

Year	Domestic adoption				Domestic and international adoption total				International adoption			
	Adoptive parent applicants	Adoptions	Adoptions as a % of applicants	Male	Female	Domestic (%)	Total	International (%)	Total	Male	Female	
												Domestic (%)
1995	2000	1025	51.3	426	599	32.0	3205	68.0	2180	1180	1000	
1996	2453	1229	50.1	538	691	37.1	3309	62.9	2080	1180	900	
1997	2400	1412	58.8	616	796	40.7	3469	59.3	2057	1124	933	
1998	2289	1426	62.3	634	792	36.9	3869	63.1	2443	1408	1035	
1999	2492	1726	69.3	714	1012	41.7	4135	58.3	2409	1374	1035	
2000	2397	1686	70.3	715	971	41.7	4046	58.3	2360	1422	938	
2001	2329	1770	76.0	743	1027	42.1	4206	57.9	2436	1364	1072	
2002	2104	1694	80.5	632	1062	41.7	4059	58.3	2365	1379	986	
2003	1931	1564	81.0	543	1021	40.6	3851	59.4	2287	1367	920	
2004	2086	1641	78.7	494	1147	42.1	3899	57.9	2258	1385	873	
2005	1775	1461	82.3	482	979	41.0	3562	59.0	2101	1353	748	
2006	1822	1332	73.1	485	847	41.2	3231	58.8	1899	1253	646	

Korean Ministry of Health and Welfare (1995–2006).

stagnation, the factors which make domestic adoption unique in Korea need to be considered. As was discussed earlier, the main factor in the Korean reluctance to adopt non-agnatic children is based on Korean traditional attitudes relating to blood attachment. Following this argument it can be assumed that those current adopting parents are free-minded people who are willing to trespass the traditional prejudices. Yet, this is not the case and, in fact, domestic adoption appears to follow the same set of ideas that are considered in line with traditional attitudes. Among adopting parents, adoption appears to be prevalently considered as a means for simulating natural family reproduction. This is the prime reason given for adoption by most infertile couples. Accordingly, it can be derived that there is almost a total absence of fertile adopters (couples adopting a child in addition to having a genetic child). This vision of adoption in Korea is seen as a means of family continuation thus it has resulted in some peculiar features.

One feature is for the adoptive child to completely assume the identity of the adopting family in order to prevent discrimination against the child and secure a perfect simulation of a natural family. This is rather difficult to achieve due to the system of family records, as they are based on the bloodline of the family. Even if the child can assume the surname and family origins of the adopters, the adoption is still recorded according to bloodline. This simple fact is one of the main hindrances to government support for adopting parents, as the benefits are connected to a declaration of the adoption. For example, the exemption of school fees for a child can only be gained through reporting to school officials that the child is adopted, and this negates the idea of the adoptive parents creating a new identity for the child (Bae, 1998; Kang, 2005).

One of the methods that adoptive parents use to hide an adoption is to execute what has been termed a "secret adoption" (MPAK, 2006). This refers to direct adoptions from genetic parents and the simulation of natural childbirth by the adoptive parents. According to Korean law, a child born in a medical facility is automatically registered under the birth parents' identity. However, in the case of births at home or elsewhere it is only required for two people to attest to the identity of the child. Thus, couples sometimes use this method to register an adopted child immediately after birth as their own. In order to carry out such a process it is necessary that children are healthy and under the age of 5 months. Given these peculiarities, children above the age of 5 months are not considered adoptable.

In terms of domestic adoption of disabled children, the rate has remained less than 1%, for almost a decade (Table 2). If the government is serious about reducing the number of disabled children being adopted internationally it will have to contend with the issues, such as the economic burden and social stigmas as it exists for these children. For example, the government should also be more proactive in supporting the social rights of disabled children in society at large. This may reduce the negative social pressures families may feel in such cases. Perhaps, after such measures are initiated, more families will come forward to care for such children. In the short run, international adoption of disabled children does not seem to be a morally or ethically sound response to meeting the needs of such children.

Table 4 Children in foster care

Year	Classification	Total	Kinship care provided by grandparents	Kinship care provided by other relatives	Kinship care total	Kinship care (%)	None kinship care
2003	No. family	5313	2515	2563	5078	95.58	435
	No. children	7565	3458	3541	6999	92.52	556
2004	No. family	7169	3450	3057	6507	90.77	662
	No. children	10 198	5196	4133	9329	91.48	869
2005	No. family	8816	5078	2996	8074	91.58	772
	No. children	12 562	7552	4007	11 559	92.02	1003
2006	No. family	10 253	6152	3097	9249	90.21	1004
	No. children	14 465	9062	4160	13 222	91.41	1243

Korean Ministry of Health and Welfare (2003–2006).

Foster care in Korea

Foster care has existed since the Chosun Dynasty and was a hallmark of the community compact. In modern terms, foster care was initially developed as a short-term placement to prepare children for adoption overseas. In 2000, in response to advocacy by the Korean Foster Care Association, local and international NGOs and UN-CRC recommendations, greater efforts have been made to promote foster care as an option. As of 2003, the government set up 16 centers for the development of foster care services throughout Korea. It has also begun to increase funding for research, recruitment and management of Korea's fledgling foster care system. In Korea, foster care occupies a relatively stable portion of the child welfare system. However, 90% of what the Korean Government defines as foster care could more accurately be described as kinship care, with the majority of this care delivered by grandparents (Table 4). Thus, at present, foster care predominantly focuses on children of known family origins, whose families have maintained traditional linkages but have been devastated by an economic or social crisis. The smaller fraction of non-relative foster care providers currently accounts for 10% of this total group. This percentage has held steady at this rate for the past 4 years (Table 4). It is difficult to predict whether this trend will increase and it will definitely take a concerted effort by all parties concerned to bring such a goal to its fruition (Huh, 2001; Yang, 2003).

Youth-headed households in Korea

Youth-headed households were initially one of the most criticized aspects of the UN-CRC review committee.¹² With closer analysis it is revealed that some of the critique was undeserved. The concept of youth-headed households was created in the mid-1980s and was first referred to as child-headed households. The government's

¹²All of Korea's UN-CRC Committee Reports can be found at <http://www.bayefsky.com>.

Table 5 Youth-headed households

Year	Family size	Total	Preschool age	Primary school age	Middle school age	High school age	Others
1990	6696	13 778	142	3593	4009	2998	3036
1991	6902	13 985	121	3650	4093	3194	2927
1992	7089	14 081	136	3521	4404	3374	2646
1993	7322	14 293	119	3331	4701	3622	2511
1994	7540	14 372	124	3026	4940	3892	2390
1995	8107	15 118	124	2914	5261	4392	2427
1996	8849	16 001	149	2854	5447	4833	2718
1997	9544	16 547	174	2830	5382	5516	2645
1998	8407	13 627	150	2428	4515	5141	1393
1999	7924	12 427	150	3656	4046	4992	883
2000	6229	9579	121	1862	3217	4041	338
2001	5248	8060	133	1640	2611	3414	262
2002	4531	6947	115	1478	2232	2936	186
2003	3994	6184	99	1309	1966	2668	142
2004	3504	5444	87	1244	1681	2331	101
2005	2755	4332	35	901	1343	1923	80
2006	2086	3271	39	572	1031	1570	59

Korean Ministry of Health and Welfare (1990–2006).

introduction of this option was not to simply abandon children to care for themselves, but rather to establish the possibility for children to remain in their own communities while living under the supervision of relatives. Demographics of this group mirror that of the children in kinship care as they are of known origin and residing in communities close to their relatives (Moon, 1995, 1998; Huh, 2000).

Since an amendment of the Child Welfare Law, which excluded children less than 15 years of age who are not living with relatives from such definition, most of the youth-headed households actually consist of adolescents that are above 17 years of age. Such independent living arrangements up to the age of 18 years are supported by other OECD countries. Further, their situation has been improved since 2000 when the government began to provide financial, counseling, educational and other supports to these youth. The support of such an option for emotionally and socially capable young people is a viable option. At any rate, the number of youth-headed households has declined remarkably from 13 778 in 1990 to 3271 in 2006 (Table 5). Much of this dramatic change has occurred because many former youth-headed households now have the direct supervision of extended family members.

Conclusions and recommendations

It has been 16 years since Korea signed the United Nations Convention on the Rights of the Child. The Convention is sometimes referred to as a soft law since it is technically not

legally enforceable. Yet, with the trend towards globalization of the definition of what constitutes appropriate treatment of children around the world, its impact has been significant. The UN-CRC committee overseeing the Convention has clearly established reporting guidelines and gives feedback to country signatories. In that sense, Korea, like all members who have signed the Convention, are obliged to submit reports and answer queries of the committee. The present paper has sought to delineate Korea's progress on article 20 of the Convention which relates to children in need of alternative care other than that of their families of origin. In doing so, a historical overview documenting briefly alternative care for abandoned and displaced children in the Chosun Dynasty (1392–1910) was presented. The Chosun Dynasty as noted was a period of much upheaval owing to war, famines and social unrest which resulted in a stable group of parentless children. This provoked rulers and scholars of the time to consider carefully the needs of displaced children and attempt to provide for them. It was noted that methods included both agnatic adoption to secure an heir and non-agnatic adoption in some cases as a form of indenture and, in others, for the possible care of aging parents. This seems to counter the notion that a family can only exist through blood relationships. This is an important point to consider as it is the most often cited explanation for not adopting or fostering children requiring alternative care. The community compact written by 'Yi I' was presented, as it seems to have avoided the problem of lineage, status and stigma. Rather, it focused on the social and economic rights of children in the context of their community. This sort of vision is possible today but it will take consensus among the key stakeholders on how to evolve indigenous solutions. The process of consensus building ought to include members from the community that have acted historically to shape this system, including Catholics, Protestants and Buddhists. Their members are to be found everywhere in Korean society and they can serve as a solid foundation upon which to build capacity for changes in the non-profit, educational, government and business sectors. On that note, the Korean Government needs to facilitate this process and exert leadership in bringing this diverse group together. When this sort of community capacity is established it will want to play a further leadership role in dealing with the substantive issues these children encounter.

Concerning the issue of kinship care, the Korean Government and the non-profit sector has done well in activating this method of social care. This type of effort should be expanded as much as possible and supported by the community and experts who have as their goal the evolution of this system into a self-governing group of families caring for their own members and each other. This is the sort of process the community compact had envisioned. It may well be the case that this group can accept some of the challenge for helping non-related children in the future.

In terms of youth-headed households, it appears that the government and families involved with these youth have made substantial progress at least in terms of reducing the number of children facing this predicament. Yet, the data for this group do not reveal their needs from either an economic or a social perspective. No child or youth wants to grow up without loving and caring guidance and so this type of arrangement ought to be an alternative of last choice. When absolutely necessary for those youth who are deemed

socially and emotionally capable it may be an alternative if appropriate social supports are in place. When this is not the case, then it should not be imposed on unprepared youth who would do better in some other form of alternative care.

As discussed, the Korean Government has initiated a plan to right-size congregate care facilities and this is a positive approach. On that note, members of the Association of Congregate Care Facilities have begun to dialogue with the government about how this process should be expanded. Yet, this dialogue needs to be enlarged to other sectors of the community, for only then will this approach have a chance to succeed. What remains problematic with these facilities as they exist is staffing ratios, the number of children residing in one facility, lack of appropriate auditing, poor funding and governance. It remains to be seen as to whether this system can be modified to better meet the needs of the children it serves. A nationwide study should be initiated to determine the real needs of such children and youth in care so that they are no longer invisible to the community that needs to support them.

Perhaps, in considering the matter of domestic and international adoptions, it is important to examine the reasons why children are placed for adoption to begin with. Certainly, if it is a matter related to parental poverty, disability, the stigma associated with single parenthood or some other issue, then other solutions should be found. The data for such children seem to suggest that these are real issues that ought to be dealt with in a preventative manner.

In summary, it appears that the Korean Government has been able to initiate second-order change and is proceeding with the sorts of initiatives that are laying the foundation for future substantive gains for children in need of alternative care in Korea. The government has almost 12 months until the submission of its next country report to the UN-CRC. Appropriate levels of investment, the protection of disabled children and those who are economically disadvantaged, assuming a preventative approach, better overall management of systems of alternative care, and building consensus among stakeholders will be important issues to focus on if such systems of care are to be improved.

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